

Editorial

It's complicated. Social Struggles and the Entanglement of Political Participation and Fundamental Rights

The phrase 'democracy and human rights' is ubiquitous today. In both public discourse and academic debate, the two concepts are often taken to be inseparable. Indeed, it seems self-evident that democracy and human rights presuppose and reinforce one another. For instance, the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, clearly states: "Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing."¹ Similarly, Jürgen Habermas famously argued for "the co-originality of liberty rights and the rights of citizens".²

Yet whenever things are taken for granted or treated as ordinary or natural, historians should become suspicious and begin to 'make things strange' (Carlo Ginzburg).³ Thus, while it may seem paradoxical, the task at hand is to tell the story of something that is experienced as self-evident. How can the entangled history of democracy and human rights be written?⁴ What contexts and processes lie hidden

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1 Vienna Declaration and Programme of Action, adopted 25 June 1993 by the World Conference on Human Rights in Vienna, <https://www.ohchr.org/sites/default/files/vienna.pdf> (27 June 2025).

2 Jürgen Habermas, Remarks on Legitimation through Human Rights (1998), in: Jürgen Habermas, *The Postnational Constellation. Political Essays*, ed. by Max Pensky, Cambridge 2001, 113–156, 118. See also Johan Karlsson Schaffer, The co-originality of human rights and democracy in an international order, in: *International Theory* 7/1 (2015), 96–124; Michael Goodhart, *Democracy as Human Rights. Freedom and Equality in the Age of Globalization*, New York/Abingdon 2005.

3 See Carlo Ginzburg, *Making Things Strange. The Prehistory of a Literary Device*, in: *Representations* 56 (1996), 8–28, 22: "Estrangement seems a good antidote to a risk we all face: that of taking the world, and ourselves, for granted."

4 See John R. Wallach, *Democracy and Goodness. A Historicist Political Theory*, Cambridge 2018, 230f.: "A massive number of books and articles have discussed aspects of human rights, especially since the 1980s, but few have discussed how human rights work in relation to democracy. Do human rights foster, impair, or just contingently partner with democracy?" See also the Gerald Stourzh Lec-

within the seemingly innocent ‘and’ that both connects and separates democracy and human rights?

This issue reflects on the relationship between political participation and fundamental rights, examining it in a more nuanced way across different regions and epochs. In recent years, research on human rights has often produced new periodizations and constructed or deconstructed breakthrough narratives.⁵ However, debates have continued to focus, spatially, on the Euro-Atlantic West, temporally, on the period from the late eighteenth century onwards, and, methodologically, on the history of ideas. In order to advance the debate, we are interested in historical cases in which conflicts or processes such as the “combination of conflict and institution” or the “dialectic of insurrection and constitution” are analysed.⁶ The focus is on ‘social struggles’ in the broadest sense, involving both political participation and fundamental rights. These intense forms of social practice have performative effects in that these struggles give rise to new notions of rights and participation.⁷ This praxeological approach makes it possible to thoroughly historicize the abstract concepts of rights and political orders. Rather than focusing on the history of ‘breakthroughs’ or the extension of supposedly universal rights, we are interested in the de-centring of this history. How is the relationship between fundamental rights and political participation negotiated in social struggles, and how contested is this relationship?

Adopting a historicizing perspective enables us to examine rights beyond the modern claim to universality. This allows us to avoid seeing the assertion of human rights and increasing political participation as inseparable. Instead, we focus on the practices through which equality and participation were demanded and established – practices which often simultaneously brought about new exclusions, making it clear that equal rights and equal participation are not always compatible. Our twofold aim is to provincialize the ‘West’, which has dominated the debate to an excessive degree, and to open up the debate on rights and participation to times before the Atlantic revolutions.

Through contributions that explore the interplay between political participation and fundamental rights in social struggles, ranging from early modern Europe to colonial and postcolonial settings and from socialist to post-socialist regimes, this issue

tures on the History of Human Rights and Democracy, <https://gerald-stourzh-vorlesungen.univie.ac.at/en/published-papers/> (27 June 2025).

5 See Benjamin Möckel, Endtimes of Human Rights? Neue Forschungen zur Geschichte der Menschenrechte, in: *Neue Politische Literatur* 65 (2020), 473–501, 476–480; Stefan-Ludwig Hoffmann, Human Rights and History, in: *Past & Present* 232 (2016), 279–310, 280f.

6 Étienne Balibar, *Equaliberty. Political Essays*, translated by James Ingram, Durham/London 2014, 4–6.

7 See, e.g., Nancy Fraser, Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange*, translated by Joel Golb, James Ingram and Christiane Wilke, London/New York, NY 2003; Nancy Fraser, Rahel Jaeggi, *Capitalism. A Conversation in Critical Theory*, ed. by Brian Milstein, Cambridge / Medford, MA 2018; Tobias Werron, Direkte Konflikte, indirekte Konkurrenzen. Unterscheidung und Vergleich zweier Formen des Kampfes, in: *Zeitschrift für Soziologie* 39/4 (2010), 302–318.

aims to continue and complicate the debate on democracy and human rights, moving beyond the Euro-Atlantic focus and the modernist teleologies that often structure it. Crossing disciplinary boundaries in terms of both period and geography is always a risky undertaking. To make this more manageable, we asked two colleagues to provide expert commentary: Lars Behrisch focuses on the four early modern contributions and Birgitta Bader-Zaar on the three modern and contemporary ones. This allows us to concentrate on outlining the overarching perspectives in this editorial.

1. Sites of struggle: article summaries

In “The Right to Freedom. Enslaved Sailors, Civic Patriarchs, and the Question of Redemption in the Seventeenth-Century Dutch Republic”, Erica Heinsen-Roach shows that, long before human rights such as freedom from slavery were enshrined in documents as a universal human right, the negative right to be free from slavery was the subject of political and economic negotiations. By describing how political and religious communities in the seventeenth-century Dutch Republic raised money to ransom captive sailors, she reveals a kind of silent social contract to restore their freedom. On the other hand, however, this restoration was rooted in material possibilities and spatial or confessional proximity, which rendered the idea of a universal right to freedom unfeasible. The relationship between individual freedoms and rights of participation, which is the focus of this issue, had a very specific outlook in the seventeenth-century Dutch Republic: the political participation rights and economic opportunities of the social elites were central to the enforcement of rights, such as the ransoming of those who had been enslaved. Rights were thus embedded in a paternalistic relationship. This paternalism also shaped the international treaties that Dutch rulers concluded with the slave-trading powers in the Mediterranean region: legal restrictions on slavery were considered indispensable, even though the restored freedom was not based on an explicit understanding of equal rights, but rather on a consensus about religious duty and socio-economic necessities.

In her article, “Starvation, Participation, and Exclusion. Friedrich Justus Riedel and the Bread Riot of Erfurt, 1771”, Rachel Renault describes the conflict over rights and participation within the protests of the urban lower classes against price increases and food shortages in Erfurt in 1771. The focus is on the expansion of demands for political participation during times of crisis. The author pays less attention to the specific demands for participation of the protesters than to the intellectual debates about how to (de-)justify demands for increased access to the public sphere. While the Enlightenment philosopher Riedel based his defence of the common man’s rights to participate on the fundamental right to subsistence, Mayor

Hadelich, representing political power and the interests of landowners, insisted that political expression by the plebs was illegitimate. Both opponents underpinned their arguments with references to universal principles. Hadelich denied political agency to the lower classes, arguing that universal free trade principles would ultimately benefit the community. Riedel, on the other hand, defended the legitimacy of the protest as a universal claim for justice. Like Hadelich, he based his argument on the well-being of the community, which in his case meant excluding the wealthy, the immoral, and the foreigners. In both cases, the claim to universality was underpinned by a specific concept of ‘community’.

In “Practising Freedom and Publicness. From Slavery to Citizenship Revisited”, Jorun Poettering demonstrates how the struggle of enslaved people of African descent in Brazil in the eighteenth and nineteenth centuries for fundamental rights and political participation not only contributed to changing the legal and political status of slaves but also transformed the concept of statehood. In her text, she focuses on very different places and practices in relation to the struggle for rights. The fight for civil rights took place in courts and was driven by an institutional logic that ultimately led to the granting of specific rights and the development of the rule of law. On the other hand, the struggle for political rights and the establishment of a political community was less rule-based, taking place primarily in public spaces. The author shows how urban fountains, as public infrastructure, were used as spaces for community building among slaves. This was crucial for preserving and developing social life for a population group that had been uprooted and marginalized by slavery, both politically and socially. In response to the increased visibility and intervention of slaves in public spaces, the police attempted to control these sites. The repressive policies of the state contributed to slaves establishing a conflictual relationship with the Brazilian state, and they increasingly gained the status of legally recognized subjects – unlike in their relationship with their private owners. The author illustrates how the conflicts between different groups of slaves, but particularly between slaves and the law enforcement authorities of the Brazilian state, contributed to the formation of a politically visible group and a ‘disruptive political integration’ into the state.

In his contribution, “A ‘Complete Anachronism’? Common Informing, Popular Participation, and Social Philosophy in Eighteenth- and Twentieth-Century England”, Hannes Ziegler adopts a broad temporal perspective, examining debates on the practice of ‘common informing’ (the participation of citizens in the enforcement of laws through state-rewarded denunciation of (especially) economic practices that contradict the law) in England from the eighteenth century to the present day. He shows that there has been no linear progression towards representative democracy and the enforcement of laws through bureaucratic rule. Instead, the concepts of political participation, state-guaranteed freedoms and rights, and the role

of institutionalized statehood have continually been renegotiated within different historical contexts, against a backdrop of changing notions of personal liberty and institutionalized legal guarantees. What is particularly fascinating here is the evolving perception of freedom: opponents of common informing emphasized the freedom of citizens from peer surveillance, while supporters of the legal provision abolished in 1951 regarded the freedom of citizens to participate in the enforcement of law in exchange for remuneration as indicative of a liberal state. To this day, opinions on political participation through the dissemination of information, as in the case of whistleblowing, vary widely. Whether this is considered an illegal practice or a sign of civic responsibility depends on the context and the relationship between citizens and the state order that they help to shape, yet which also legally constrains them.

In “Freedom and Participation in a Multireligious Colony. On the Ambivalences of the Rule of Law in Habsburg Bosnia”, Heinert Grunert examines Habsburg rule in Bosnia-Herzegovina after the occupation (1878) and annexation (1908) until the beginning of the First World War. He describes this period as colonial because the Habsburg Monarchy sought to integrate the territory through a competent and modernizing, yet paternalistic, administration. This administration adopted the organization of society based on religious affiliation that had been handed down from the Ottoman Empire, using these religiously based administrative structures to carry out state tasks such as tax collection, military service, and the development of the education system as effectively as possible. Civic rights, such as the protection of religious freedom and the introduction of a liberal press law, were intended to demonstrate the enlightened nature of Habsburg rule. In the religious sphere, the elites of the various religious communities were granted considerable self-government powers from an early stage. Religious (and wealthy) elites were co-opted, but they were also always made aware of the restrictions on their political participation. This resulted in increasingly loud calls for political representation, which were met with great caution after the turn of the century. While the 1910 constitution strengthened political participation rights through elections to representative bodies, these rights were still restricted by property and education, as well as by the continued segmentation of the population based on religious affiliation. The lack of political participation and representation became increasingly apparent in the religious, educational, and, increasingly, economic spheres, resulting in growing opposition to Habsburg rule through administration.

In her article “Women, Democracy, and the Political in the Writings of Female Intellectuals in Hungary and Yugoslavia between 1945 and 1948”, Zsófia Lóránd examines the relationship between democratic participation and individual civil liberties during the extremely turbulent transition period from 1945 to 1948 in two war-torn societies that had experienced fascism, occupation, and social revolution. She analyses the thinking of Yugoslav and Hungarian feminists who, even during

the interwar period, had reflected on the potential for emancipation and political participation through suffrage and the economic and social rights of women as a group and as individuals. In doing so, she creates a highly complex matrix by considering bourgeois-liberal feminists and communist activists, relating their reflections to the different pre-war and war trajectories. In her analysis, she shows how the politicization of the private sphere, motherhood, and domestic work formed the basis for their views on participation and freedom rights, despite their very different political and biographical backgrounds. The author situates her reflections within a broad framework, drawing on both feminist critique of democracy and Marxist challenges to traditional contract-based concepts of democracy. Using the example of the still relatively open historical situation in East-Central and South-Eastern Europe in the immediate post-war period, she demonstrates the importance of considering the interplay between women's political participation and freedom rights within the non-linear history of European democracy.

In "The Back-and-Forth of Abortion Debates in Poland. Towards a Historical Understanding of the Misrecognition Gambit of the National Catholic Right", Marta Bucholc and Iskra de Vries discuss political debates on the legal regulation of abortion. They explain how, following the collapse of the state socialist system in Poland, the negotiation of individual rights (here, the right to bodily autonomy) and participatory rights (for example, which issues could be made the subject of political debate, and by whom) took place. After 1989, the Catholic Church consolidated its position in society by fighting for more restrictive abortion laws and portraying the liberal abortion laws that had been in force in Poland from the 1950s as part of a now-discredited state socialist system. The Church established itself as an important political actor, subordinating women's rights to a new hegemonic political framing through its anti-abortion campaigns. In response, a new feminist movement developed from 2015 onwards, viewing itself not as an actor combatting cultural discrimination, but as a political movement that frames the issue of abortion rights as a struggle for political participation and social justice. This was even more important because, after 1989, a discourse on general civil rights prevailed that seemed blind to ongoing gender-based discrimination. As gender differences were seen as a matter of biological fate, women's rights were rarely the subject of political negotiation. When the Catholic Church, in close cooperation with the national-conservative PiS party, pushed for a general ban on abortion as part of anti-gender campaigns, the women's movement responded with mass protests that were not about distinct identities, but about social justice. The women protesters countered constant discrimination from national-conservative and Catholic identity politics with demands that politicized this structural disadvantage, claiming effective participation and the rule of law, which they saw as prerequisites for granting reproductive rights.

2. The entanglement of participation and rights: histories without guarantees

This issue demonstrates that the relationship between political participation and fundamental rights has been historically contingent rather than structurally or ideologically aligned. The widespread assumption that rights naturally underpin democracy, or that democracy inherently generates rights, is refuted by the diverse temporal, spatial, and political constellations explored in the articles. In practice, rights were often denied in contexts where participation was exercised, and participatory structures could emerge in the absence of any formal legal guarantees. Conversely, the formal codification of rights often coincided with the restriction or redirection of participation. The assumption of normative and causal convergence between rights and democracy thus proves untenable when confronted with the historical specificity and variability of lived experience. The contributions to this volume emphasize that political practice and legal recognition have often evolved in opposition to one another, shaped by power imbalances, institutional limitations, and contested definitions of legitimacy.

Rather than tracing moments of linear expansion or celebrating the codification of abstract ideals, the case studies assembled here illuminate how social struggles have functioned as generative events in their own right. They were not merely episodes within a broader narrative of democratic evolution, but formative sites in which the meanings of participation and rights were redefined, resisted, or reconfigured. A famine riot in eighteenth-century Erfurt was not simply a moment of material desperation but also an assertion of entitlement to a voice, subsistence, and legitimacy by actors formally excluded from political representation. Similarly, the public performances of capoeira in nineteenth-century Brazil were not marginal or criminal acts, but constituted a form of political presence and social organization that ultimately contributed to state formation and claims to citizenship. The redemption of enslaved sailors in the Dutch Republic reveals the complex interplay between religious obligation, civic duty, and the social contract. This interplay rendered freedom both thinkable and conditional long before the emergence of modern human rights regimes. These examples show that new political and legal meanings do not stem from constitutional declarations alone, but rather from confrontation, improvisation, and historically situated practices of resistance and negotiation.

This focus on practice rather than doctrine or ideal types calls for a shift from ideological coherence to what could be termed a praxeological approach. While concepts such as liberty, equality, or citizenship were certainly present in many of the contexts explored here, their practical significance often depended on the ways they were mobilized, contested, or transformed through social action. From this perspective, rights do not appear as inherited entitlements or logical extensions of legal

orders, but rather as claims, tactics, and embodied assertions. Whether through lawsuits filed by enslaved individuals, editorial interventions by women intellectuals, or informal negotiations over redemption and recognition, the performance of rights is revealed to be historically embedded, context-dependent, and deeply political. The articles thus foreground not abstract universals, but the contingent struggles over voice, inclusion, and power – struggles whose outcomes were always partial, precarious, and subject to reconfiguration.

A further consequence of this perspective is the recalibration of both geography and periodization. The contributions emphasize the analytical primacy of contexts that are too often considered peripheral or derivative in standard narratives of democracy and human rights. Rather than being portrayed as an outpost of imperial governance lagging behind, Bosnia under Habsburg rule can be seen as a ‘proximate colony’, where the legal ambiguity of rule, the confessional structuring of society, and the colonial logic of participation and exclusion challenged conventional models of liberal constitutionalism. In early independent Brazil, the tension between legal emancipation and informal repression reveals a long and complex transition from slavery to citizenship. This transition was shaped as much by the actions of enslaved people as by institutional reform. Hungary and Yugoslavia after 1945 are not simply examples of socialist exceptions; they offered alternative trajectories in which feminist and socialist ideas of democracy were actively debated and enacted – only to be later marginalized or suppressed. And in post-socialist Poland, meanwhile, struggles over abortion rights reflect not merely moral or legal disagreement but also a deeper contestation over recognition, authority, and political voice. Chronologically, the issue shifts its focus decisively away from the presumed point of origin in the Atlantic revolutions. By foregrounding conflicts in the seventeenth century and under state socialist regimes, the contributions to this volume call into question the centrality of ‘modernity’ as a unifying and self-evident framework for understanding political rights and participation.

Together, the articles in this volume lay the groundwork for a non-teleological history of rights and participation – one that rejects the logic of inevitable progress or civilizational advancement, and instead acknowledges the iterative, fragmented, and contested nature of political transformation. This is a history of rights without guarantees; a history that takes seriously both the emancipatory potential and the inherent exclusions of every expansion of rights and every extension of political voice. It pays close attention to everyday practices, informal structures, and the embodied performances through which political claims are made visible or invisible. In this sense, democracy and human rights do not appear as stable principles realized through institutional development, but as precarious and often contradictory outcomes of social struggle. This approach reveals the fragile, situated, and often uneven

manner in which individuals and communities have asserted – and been denied – the status as rights-bearing political entities. As this issue shows, the history of democracy and human rights is not the unfolding of a universal ideal, but the contingent accumulation of demands over who counts, who speaks, and who is heard.

In this issue, we take the format of ‘Open Space’ seriously, offering a fresh perspective on negotiating participation and rights that may seem unconventional to readers accustomed to the conventions of academic journals. Melina Pérez follows in the footsteps of the African-American queer writer and activist Audre Lorde (1934–1992) by exploring how literature can help connect different demands, justifications, and prerequisites for democratic participation and equality across space and time and to develop new visions. In her text, the author brings together historical figures who wrote in different spaces and times, engaging them in a conversation with one another. By deliberately using literary fiction, she replaces one-dimensional, linear narratives with a fresh approach to reflecting on the connections and contradictions between various forms of rights and participation. In doing so, she creates a space for intersectional reflection and critical questioning of what is considered ‘normal’ at a given time, as well as uncovering previously hidden genealogies. Audre Lorde repeatedly emphasized the importance of fiction in making inequality visible and negotiable. Melina Pérez asks whether the potential of knowledge production in academic writing is often limited by contemporary regimes of normality and rigid formal conventions. In her fictional text, she exposes and questions the chimera of the universality of ideas, which often underpins historical writing unreflectively. We invite readers of this issue to engage with this textual experiment and consider the links between academic and fictional writing.

We also continue the ongoing discussion in the journal on ‘Exhibiting History’. After visiting the newly designed permanent exhibition on the history of Vienna at the Wien Museum, the editors of the OeZG discussed the challenges of presenting urban history from multiple perspectives to diverse groups of visitors in contemporary museums and educational settings. In addition, a group of students from Salzburg University examined the exhibition, focusing in particular on how the twentieth century is conceptualized in ‘Vienna. My History’. Finally, Alexander Pinwinkler’s article marks the launch of a new section on the topic of ‘Science as Institution’, in which he addresses the conditions and challenges of university autonomy. Through these contributions, we aim to encourage reflection on the framework conditions and methods of producing and presenting historical knowledge. The issue closes with Peter Eigner’s obituary for the Viennese historian and longstanding member of the OeZG’s editorial board Anton Staudinger, who passed away at the beginning of 2025.

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